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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 **PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL ITS OPPOSITION TO
UBER'S MOTION TO COMPEL WAYMO
TO RUN ADDITIONAL SEARCH TERMS**

23 vs.

24 UBER TECHNOLOGIES, INC.;
25 OTTOMOTTO LLC; OTTO TRUCKING
26 LLC,

27 Defendants.

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1 Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests
 2 to file under seal information in its July 21, 2017 Opposition to Uber’s Motion to Compel Waymo to
 3 Run Additional Search Terms (“Waymo’s Opposition”). Specifically, Waymo requests an order
 4 granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Portions of Waymo’s Opposition	Portions highlighted in green	Waymo
Ex. 6 to Waymo’s Opposition	Entire Document	Waymo
Ex. 7 to Waymo’s Opposition	Entire Document	Waymo
Ex. 8 to Waymo’s Opposition	Entire Document	Waymo
Ex. 9 to Waymo’s Opposition	Entire Document	Waymo
Ex. 10 to Waymo’s Opposition	Entire Document	Waymo
Ex. 11 to Waymo’s Opposition	Entire Document	Defendants

12 **I. LEGAL STANDARD**

13 Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or
 14 portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under
 15 the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored
 16 to seek sealing only of sealable material.” *Id.*

17 **II. UBER’S CONFIDENTIAL INFORMATION**

18 Waymo seeks to seal the portions of Waymo’s Opposition (portions highlighted in blue) only
 19 because Defendants have designated the information confidential and/or highly confidential.
 20 Declaration of John W. McCauley (“McCauley Dec.”), ¶ 3. Waymo expects Defendants to file one or
 21 more declarations in accordance with the Local Rules. *Id.*

22 **III. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

23 The Court should seal the portions of Opposition (portions highlighted in green) and the
 24 Exhibits identified by Waymo in the table above. Waymo seeks to file this information under seal
 25 because it discloses Waymo’s confidential business information. *See* McCauley Dec., ¶ 4.
 26 Confidential business information that, if released, may “harm a litigant’s competitive standing” also
 27 merits sealing. *See Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598-99 (1978); *Music Grp.*
 28 *Macao Commercial Offshore Ltd. v. Foote*, No. 14-cv-03078-JSC, 2015 WL 3993147, at *1 (N.D.

1 Cal. June 30, 2015). Waymo seeks to seal confidential business information that fits squarely within
2 this category. McCauley Dec. ¶ 4. Waymo maintains this information as secret, and the public
3 disclosure of this information would give Waymo's competitors access to sensitive information that
4 could be used to Waymo's disadvantage. *Id.* The disclosure of Waymo's confidential business
5 information would therefore cause harm to Waymo. *Id.* Waymo has also narrowly tailored its
6 requests to only information meriting sealing. *Id.* Thus, the Court should grant Waymo's
7 administrative motion to seal.

8 **IV. CONCLUSION**

9 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the
10 above listed documents accompany this Administrative Motion. For the foregoing reasons,
11 Waymo respectfully requests that the Court grant Waymo's Administrative Motion.

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13 DATED: August 5, 2017

14 QUINN EMANUEL URQUHART & SULLIVAN,
15 LLP

16 By /s/ Charles Verhoeven
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18 Attorneys for WAYMO LLC

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